

STIP

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UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GREGORY VILLEGAS,
CHRISTINE GAGNON and
MICKEY GINES

Defendant.

Case No.: 2:13-cr-00355-GMN-CWH

STIPULATION TO CONTINUE
CALENDAR CALL, TRIAL DATE,
AND MOTION DEADLINE

(SECOND REQUEST)

Certification: This stipulation is filed pursuant to General Order 2007-04.

IT IS STIPULATED between the defendant GREGORY VILLEGAS through his attorney GABRIEL L. GRASSO, ESQ., defendant CHRISTINE GAGNON through her attorney MICHAEL P. KIMBRELL, defendant MICKEY GINES through his attorney MACE YAMPOLSKY, and the United States of America, through CHRISTINA BROWN, Assistant United States Attorney, that the calendar call currently scheduled for May 27, 2014, at the hour of 9:00 a.m., the jury trial currently scheduled for June 3, 2014, at the hour of 8:30 a.m., and the pretrial motion deadline be vacated and set to a date and time convenient to this court, but no event earlier than one hundred and twenty (120) days.

This Stipulation is entered into pursuant to General Order 2007-04 and based upon the following:

1. There has been one previous continuances granted to the defense in this case.
2. The defendant's in this case are in the process of reviewing the submitted discovery, which is voluminous and complex in nature.
3. The defense will require more time to complete said discovery review.

4. Counsel for GINES will be out of the jurisdiction during the currently scheduled trial date.
5. The defendants are out on pretrial release and does not object to this continuance.
6. The parties agree to the continuance.
7. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence.
8. Also, denial of this request or continuance would result in a miscarriage of justice.
9. For the above stated reasons, the parties agree that a continuance of the calendar call and trial date would best serve the ends of justice in this case.
10. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
11. This is the second request for a continuance of the calendar call and trial date in this case.

DATED this 20th day of MAY, 2014

RESPECTFULLY SUBMITTED BY:

/s/
CHRISTINA BROWN
Assistant United States Attorney

/s/ Gabriel L. Grasso
GABRIEL L. GRASSO
Attorney for VILLEGAS

/s/ Michael P. Kimbrell
MICHAEL P. KIMBRELL
Attorney for GAGNON

/s/ Mace J. Yampolsky
MACE J. YAMPOLSKY
Attorney for GINES

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8 **UNITED STATES DISTRICT COURT**
9 **IN AND FOR THE DISTRICT OF NEVADA**

10 **UNITED STATES OF AMERICA,**)

11 **Plaintiff,**)

12 **vs.**)

13 **GREGORY VILLEGAS,**)
14 **CHRISTINE GAGNON and**)
15 **MICKEY GINES**)

16 **Defendant.**)

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17 **FINDINGS OF FACT**

18 Based upon the submitted Stipulation, and good cause appearing therefore, the
19 Court finds that:

- 20 1. The defense will require additional time to review the submitted discovery in
21 this case.
22 2. Counsel for GINES, Mace Yampolsky, will be out of the jurisdiction during
23 the currently scheduled trial date.
24 3. This stipulation complies with General Order 2007-04.
25 4. The defendants are not incarcerated and do not object to the continuance.

26 **CONCLUSIONS OF LAW**

- 27 1. Denial of this request for continuance would deny the defense herein
28 sufficient time and the opportunity within which to be able to effectively and

thoroughly research and prepare this case, taking into account the exercise of due diligence.

2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the trial date, and such continuance outweighs the best interest of the public and the defendant to a speedy trial.
4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
5. This is the second request for a continuance.

ORDER

IT IS ORDERED that the calendar call currently scheduled for May 27, 2014, at the hour of 9:00 a.m., be vacated and continued to _____ at the hour of _____ a.m., and the trial in the above captioned matter currently scheduled for June 3, 2014, at the hour of 8:30 a.m., be vacated and continued to _____ at the hour of _____ a.m. The pretrial motion deadline is vacated and reset to _____.

IT IS FURTHER ORDERED that the trial briefs, proposed voir dire questions, proposed jury instructions, and the list of the Government's prospective witnesses shall be submitted to the Court by _____, 2014, at the hour of 4:00 p.m.

IT IS SO ORDERED:

UNITED STATES DISTRICT JUDGE

DATED: _____